

REMARKS

This Response is made to the Official Action mailed October 3, 2008. Claims 1 to 58 are currently pending in this patent application. The subject matter of the claims is subject to a requirement for restriction and election under 35 U.S.C. §§121 and 371. Reconsideration and withdrawal of the requirements for restriction and election of species are respectfully requested in view of the following remarks.

Applicants are required to make an election among five allegedly distinct inventions, namely:

- Group I, covering claims 1-26, 30-33 and 35-46, drawn to dissolvable whitening strips;
- Group II, covering claims 1, 27-29, 34 and 47-49, drawn to whitening strips where one or both layers have two or more zones of different compositions;
- Group III, covering claim 50, drawn to a process for preparing a whitening film in the form of a dry film;
- Group IV, covering claims 51-54, drawn to a method of whitening teeth with a dissolvable whitening strip; and
- Group V, covering claims 55-58, drawn to a method of whitening teeth with a dissolvable multilayer whitening strip free of a backing.

Applicants are also required to elect a singles species of each of the following (a) a whitening agent; (b) a water-soluble or water dispersible polymer system; and (c) the additional ingredients of claims 15-19 and 21-24. Applicants provisionally elect, without traverse, Group I, covering claims 1-26, 30-33 and 35-46, drawn to dissolvable whitening strips. In addition, the species elected are (a) hydrogen peroxide as a whitening agent; (b) poly(vinylpyrrolidone)-alkyl vinyl ether/maleic anhydride copolymer as a water-soluble or water dispersible polymer system; and (c) a desensitization compound as claimed in claim 18.

A restriction requirement under 35 U.S.C. §121 is fully discretionary on the part of the Examiner. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement and allow the claims of Groups 1 through V be examined and issued in a single application. However, should the restriction become final, the Applicants reserve the right to prosecute, in one or more patent applications, the cancelled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification.

In view of the above remarks, reconsideration of this application is requested. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned agent at the number below.

Respectfully Submitted,



Nora Stein-Fernandez
Attorney for Applicants
Registration No.36,689

GlaxoSmithKline Corporation
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5044
Facsimile (610) 270-5090